THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25161 OF 2005

DATED: EIGHTH DECEMBER, 2005

Between

G.Shankar Goud, S/o late Venka Goud @ Venkaiah Goud,

R/o 2-4, Kondakal village, Shankarpally Mandal, R.R.District.

… Petitioner

and

The Revenue Division Officer, Chevella Division,

Ranga Reddy District, Attapur, Rajendra Nagar and others.

… Respondents

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ORDER:

The petitioner is one of the three sons of one Venkaiah Goud, who was the owner of agricultural land admeasuring Acs.7.00 in Survey No.457/A of Kondakal village, Shankarpally Mandal in Ranga Reddy District. His name was entered in the revenue records. In the year 1991-1992, as per the orders of the second respondent dated 14.07.1991, the names of the petitioner and his two brothers, were allegedly entered duly mutating the revenue records. It is alleged by the petitioner that when he was carrying on agricultural operations, the third respondent came to the land with others and claimed ownership of the land relying on the proceedings of the second respondent dated 16.07.1996 and the proceedings dated 04.03.1992 purportedly issued under Section 3(3) of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short, the Act). The petitioner therefore filed the present writ petition assailing both the orders as illegal and violative of principles of natural justice.

A perusal of the impugned order dated 16.07.1996 would show that the third respondent and one Shantamma filed an application before the second respondent through one Penta Reddy stating that the Mandal Revenue Officer, Shankarpally Mandal, issued orders validating the unregistered sale deed executed by the petitioner's father in respect of the land in survey No.457/A and requested to incorporate the names of the third respondent and another in the revenue records. The matter was enquired into and the Mandal Revenue Officer found that after death of Venkaiah Goud, succession was sanctioned to the petitioner and his two brothers but subsequently the Mandal Revenue Officer passed orders validating the unregistered sale deed in favour of the third respondent and another. Accordingly, the second respondent by proceedings dated 16.07.1996 ordered to delete the names of the existing occupants and enter the names of the third respondent and Shantamma. A copy of the proceedings, by which the second respondent validated the unregistered sale deed executed by Venkaiah Goud in favour of the third respondent and another, presumably under Section 5-A of the Act, is not filed before this Court nor the same is challenged. What is challenged in the writ petition is the consequential order passed by the Mandal Revenue Officer for entering the names of the third respondent and another after validating the unregistered sale deed executed by Venkaiah Goud in favour of them.

Learned counsel for the petitioner contends that the Mandal Revenue Officer passed orders validating the alleged unregistered sale deed in favour of the third respondent without notice to the petitioner or his brothers and such validation without notice is illegal. The learned Assistant Government Pleader for Revenue (General) was directed to produce the original record before this Court. The record shows that the Mandal Revenue Officer, Shankarpally, the second respondent herein, issued a notice to the father of the petitioner in connection with the enquiry into the application dated 03.02.1990 filed by one Shantamma for validation of the unregistered sale deed. The file also would show that the father of the petitioner also filed objection through a lawyer. The Mandal Revenue Officer passed orders in form

13(A) on 29.02.1990 duly validating the sale in favour of the third respondent. The third respondent and another were directed to pay the requisite stamp duty, which they paid by way of challans found in the file.

Curiously as noticed above, the petitioner has not challenged the orders of the Mandal Revenue Officer passed under Section 5-A of the Act validating the unregistered sale deed/agreement in favour of the third respondent. Further, there is a long delay on the part of the petitioner in challenging the consequential order as well. The affidavit accompanying the writ petition is silent on this aspect and except making vague allegation in para 5 that the third respondent came to the lands and informed about the impugned proceedings, further details are not forthcoming. In any view of the matter, the question involved is one of question of title, which cannot be decided in the writ petition under Article 226 of Constitution of India. If so advised, subject to law of limitation, it shall be open to the petitioner to approach the civil Court for appropriate declaration of title.

The writ petition, for the above reasons, is accordingly dismissed in *limini*. No order as to costs.

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(V.V.S.RAO,J)

08.12.2005.

pln